

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
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Martin Frank, et al.)
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Serial No.: 10/696,360)
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Filed: October 29, 2003)
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For: TEST ELEMENTS ANALYSIS)
SYSTEM)
)
Group Art Unit: 1743)
)
Confirmation No.: 6700)
)
Examiner: Levkovich, Natalia A)
)
Attorney Docket No.: ROCHE-P0019)
(RDID 02105 US))

<p>I hereby certify that this correspondence is being electronically filed with upon the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 6th day of August, 2007.</p> <p><u>Gerard T. Gallagher</u> Printed Name</p> <p>Date <u>August 6, 2007</u></p>

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement mailed **July 6, 2007**, Applicants respectfully request, pursuant to Manual of Patent Examining Procedure § 710.06, that a new action be issued and that the period for reply be restarted. The Office Action Summary correctly indicates that claims 1-34 and 38-43 are pending in the present application. However, the Detailed Action does not address claims 38-43. Rather, claims 1-10 and 21-34 are identified as belonging to species I, and claims 11-20 and 28-30 are identified as belonging to species II. Furthermore, claim 28-30 have been identified as belonging to both

species I and species II. Accordingly, Applicants believe that the Office Action contains a defect as discussed in MPEP § 710.06 and that a new Action should be issued and the period for reply restarted. As this Response is being filed within one (1) month of the mailing date of the Office Action in question, Applicants respectfully request that the Office restart the previously set period for reply to run from the date the error is corrected.

An earnest attempt has been made to respond fully and completely to the Office Action of July 6, 2007. If the Examiner has any question, please feel free to contact the undersigned at the number indicated below.

If necessary to affect a timely response, please consider this paper a request for an extension of time, and charge any shortages in fees, or apply any overpayment credits, to Baker & Daniels' Deposit Account No. 02-0387 (975270.66). However, please do not include the payment of issue fees.

Respectfully submitted,



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